



**WISCONSIN DEPARTMENT OF ADMINISTRATION**

**REVIEW of the REVISED COOPERATIVE PLAN  
under Section 66.0307 Wis. Stats.**

**between the**

**TOWN OF OCONOMOWOC and TOWN OF MERTON  
WAUKESHA COUNTY**

**December 14, 2022**

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# STATE OF WISCONSIN

## DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor  
Kathy Blumenfeld, Secretary-designee  
Dawn Vick, Division Administrator

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This determination constitutes the Department's review of the revised and resubmitted cooperative plan (Revised Cooperative Plan) between the Towns of Oconomowoc and Merton (Communities) in Waukesha County under s. 66.0307, Wis. Stats. The Department is charged with reviewing cooperative plans for compliance with public interest standards set forth in s. 66.0307(5)(c) Wis. Stats.

It is the DETERMINATION OF THE DEPARTMENT OF ADMINISTRATION that the Revised Cooperative Plan, when evaluated per s. 66.0307(5)(c), Wis. Stats.:

Standard 1, Content of Cooperative Plan Sufficiently Detailed – Met

Standard 2, Cooperative Plan Consistent with Comprehensive Plans and State and Local Laws and Regulations – Previously Met

Standard 3, Adequate Provision for Municipal Services – Previously Met

Standard 4, Provision for Affordable Housing – [Repealed & Inapplicable]

Standard 5, Compactness of Plan Territory – Previously Met

Standard 6, Planning Period Consistent with Cooperative Plan – Met

The facts and analysis supporting these findings are discussed in the body of this determination. The Department of Administration hereby determines pursuant to s. 66.0307(5)(c) Wis. Stats. that the proposed cooperative plan is APPROVED.

Amendments or revisions to the Plan can only occur with the approval of the communities, and with the concurrence of the Wisconsin Department of Administration or any successor agency granted the authority to administer the provisions of s. 66.0307(8), Wis. Stats.

Dated this 14<sup>th</sup> day of December 2022,

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Dawn Vick,  
Administrator, Division of Intergovernmental Relations

## NOTICE OF RIGHT TO APPEAL

This Notice sets forth the requirements and procedures for obtaining review for those persons who wish to obtain review of the attached decision of the Department. Per s. 66.0307(9), Wis. Stats., decisions of the Department are subject to judicial review under s. 227.52. Per s. 227.53 any person aggrieved by a decision of the Department is entitled to review. Per s. 227.53 (1) (a) 1., proceedings for review are instituted by serving a petition upon the agency, either personally or by certified mail, and by filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Per s. 227.53 (1) (a) 2m., an appeal must be filed within 30 days after mailing of the decision by the agency. Per s. 227.53 (1) (b), the petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. Any petition for judicial review shall name the Department of Administration as the Respondent. Petitions for review should be served on the Department's Secretary-designee, Kathy Blumenfeld. The address for service is:

c/o DOA, Municipal Boundary Review  
101 East Wilson Street, 9th Floor  
PO Box 1645  
Madison, WI 53701

Persons desiring to file for judicial review are advised to closely examine all provisions of Wis. Stat. s. 227.52, 227.53 and 227.57 to ensure strict compliance with all requirements. The summary of appeal rights in this notice shall not be relied upon as a substitute for the careful review of all applicable statutes, nor shall it be relied upon as a substitute for obtaining the assistance of legal counsel.

## **Executive Summary**

The Department previously reviewed the cooperative plan (Original Cooperative Plan) on July 5, 2022 and found that two statutory standards were not met. As a result, the Department returned the Original Cooperative Plan pursuant to s. 66.0307(5)(d), Wis. Stats., recommending that the Communities resubmit it with revisions and additional information relating to the unmet standards. On September 20, 2022 the Towns did re-submit the cooperative plan with the needed revisions and additional information (Revised Cooperative Plan).

In reviewing this Revised Cooperative Plan under s. 66.0307(5)(c), Wis. Stats., the Department finds that all the statutory standards are now met, and this cooperative plan is therefore approved.

### **Approval Criteria Applicable to the Department**

This Determination does not restate all the facts and analysis contained in the Board's previous July 5<sup>th</sup>, 2022 Determination, nor does it re-address the statutory standards previously found met. Instead, this determination solely examines how the Revised Cooperative Plan complies with the two statutory standards remaining to be met. For this reason, this determination should be read together with the Department's previous determination. Together these two Determinations constitute the Board's review for this cooperative plan. Those wanting to learn specific details, provisions, nuances, and conditions should look to the text of the Cooperative Plan itself, which is available from the Communities as well as on the Department of Administration's website at: <http://doa.wi.gov/municipalboundaryreview>.

***(1) The content of the plan under sub. S. 66.0307(3)(c) to (e) is sufficient to enable the Department to make the determinations under subds. 2 to 5m. s. 66.0307(5)(c)1, Wis. Stats.***

In general, the Original Cooperative Plan contained sufficient detail. However, two important details were omitted. First, when does the Cooperative Plan become effective? Second, by what mechanism are the parcels to be transferred?

This Revised Cooperative Plan now provides that the Cooperative Plan becomes effective upon the Department of Administration's approval of the Plan.

This Revised Cooperative Plan now provides that the parcels to be transferred will automatically transfer on January 1, 2024 via attachment pursuant to section 66.0307(10), Wis. Stats.

Additionally, Waukesha County has submitted its comment letter required by s. 66.0307(4)(c), Wis. Stats. The county finds the Cooperative Plan's proposed boundaries and services seem compact and logical and the Plan will benefit the Communities by providing certainty.

Because the needed information has now been provided, the Department finds that the Revised Cooperative Plan provides sufficient content and detail to meet the standard in s. 66.0307(5)(c)1, Wis. Stats.

***(2) Is the cooperative plan consistent with each participating municipality's comprehensive plan and with current state laws, municipal ordinances and rules that apply to the territory affected by the plan? s. 66.0307(5)(c)2 Wis. Stats.***

Previously Met.

***(3) Adequate provision is made in the cooperative plan for delivery of necessary municipal services to the territory covered by the plan. s. 66.0307(5)(c)(3), Wis. Stats.***

Previously Met.

***(5) The shape of any boundary maintained or any boundary change under the cooperative plan is not the result of arbitrariness and reflects due consideration for compactness of area. Considerations relevant to the criteria under this subdivision include quantity of land affected by the boundary maintenance or boundary change and compatibility of the proposed boundary maintenance or boundary change with natural terrain including general topography, major watersheds, soil conditions and such features as rivers, lakes and major bluffs. s. 66.0307(5)(c)(5), Wis. Stats.***

Previously Met.

***(6) Any proposed planning period exceeding 10 years is consistent with the plan. s. 66.0307(c)6 Wis. Stats.***

This Revised Cooperative Plan now provides that the Cooperative Plan becomes effective upon the Department of Administration's approval of the Plan. As a result, because the needed information clarifying the effective date has been provided, the Department finds that the standard in s. 66.0307(5)(c)6, Wis. Stats., is met.